

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i> the)	
State Engineer,)	
)	
Plaintiffs,)	
)	No. 69cv07941 BB-ACE
v.)	Rio Chama Stream Adjudication
)	
)	Section 7 and Section 3
)	
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

**RESPONSE OF THE UNITED STATES TO THE ASOCIACIÓN DE ACÉQUIAS
NORTEÑAS DE RIO ARRIBA’S MOTION TO ADOPT ORDER FOR NON-WAIVER
OF CLAIMS UNDER THE TREATY OF GUADALUPE HIDALGO**

The United States of America (“United States”) hereby responds to the May 2, 2007, *Asociación de Acéquias Norteñas de Rio Arriba’s Motion to Adopt Order for Non-Waiver of Claims Under the Treaty of Guadalupe Hidalgo* [Doc. No. 8640] (“Acequias Norteñas Motion”). Consistent with the practice in other New Mexico adjudications, the long-established understanding and practice in this adjudication has been to the effect that the United States, acting for itself and as Trustee for the benefit of the Jicarilla Apache Nation (“Nation”) and Ohkay Owingeh, need not, and should not, raise objections or interject legal or fact-based arguments in the adjudication of water rights elements as between the State of New Mexico *ex rel.* State Engineer (“State”) and the many subfile defendants in this case, but rather should reserve all such objections and arguments until the Court establishes a specific date for the Nation, Ohkay Owingeh, and the United States to make their *inter se* objections to other parties’ water rights. Presuming, then, that the United States, the Nation, and Ohkay Owingeh are not

bound by any present proceedings between the State and subfile defendants concerning the legal significance of the Treaty of Guadalupe Hidalgo or other aspects of Spanish or Mexican law, the United States takes no position concerning the Acequias Norteñas Motion.

In the event any party asserts that the understanding expressed herein is in error, the United States requests an opportunity to file a further response and urgently moves the Special Master to schedule a hearing or working session to discuss the relative priorities of issues and tasks in all of the water adjudication cases currently pending before the United States District Court for the District of New Mexico. However, Counsel for the United States will not be available to attend the June 11, 2007 working session tentatively scheduled by the May 11, 2007 *Order for Further Proceedings* [Doc. No. 8648]. If matters affecting the United States, the Nation, or Ohkay Owingeh must be discussed, the United States respectfully requests that the working session or hearing be set either before June 8, 2007, or after June 22, 2007.

Counsel for the U.S. discussed this response with counsel for the Nation and for Ohkay Owingeh, who indicated their concurrence.

DATED: May 14, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 14, 2007, I filed the foregoing RESPONSE OF THE UNITED STATES TO THE ASOCIACIÓN DE ACÉQUIAS NORTEÑAS DE RIO ARRIBA'S MOTION TO ADOPT ORDER FOR NON-WAIVER OF CLAIMS UNDER THE TREATY OF GUADALUPE HIDALGO electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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AND I FURTHER CERTIFY that on such date I served the foregoing pleading on the following non-CMF/ECF Participants via first class mail, postage prepaid addressed as follows:

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